

1 Mark E. Ellis – 127159
June D. Coleman – 191890
2 David B. Leas – 238326
ELLIS, COLEMAN, POIRIER, LAVOIE, & STEINHEIMER LLP
3 555 University Avenue, Suite 200 East
Sacramento, CA 95825
4 Tel: (916) 283-8820
Fax: (916) 283-8821

6 Attorneys for
CAVALRY INVESTMENTS, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

James M. Kinder,

Plaintiff.

V.₁

Cavalry Investments, LLC dba Cavalry Portfolio Services.

Defendant.

| Case No.: 07CV2274 IEG (WMC)

Defendant's Statement of Non-Opposition to Plaintiff's Motion to Remand

Date: March 17, 2008

Time: 10:30 a.m.

Place: Department 1

Defendant does not oppose Plaintiff's motion to remand this matter to California state court for the county of San Diego. Defendant maintains, however, that there was and remains a basis for Federal subject matter jurisdiction in this matter.

Dated: March 3, 2008

Ellis, Coleman, Poirier, LaVoie, & Steinheimer LLP

By

David B. Leas

Attorney for

CAVALRY INVESTMENTS, LLC

CERTIFICATE OF SERVICE

I, Jennifer Mueller, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On March 3, 2008, I served the following document(s) on the parties in the within action:

Defendant's Statement of Non-Opposition to Plaintiff's Motion to Remand

<input checked="" type="checkbox"/> X	VIA ELECTRONIC SERVICE: The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:
	BY MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Sacramento, CA on this date, addressed as follows:
	BY HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as follows:
	VIA FACSIMILE: The above-described document(s) was transmitted via facsimile from the fax number shown on the attached facsimile report, at the time shown on the attached facsimile report, and the attached facsimile report reported no error in transmission and was properly issued from the transmitting facsimile machine, and a copy of same was mailed, on this same date to the following:
	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the following:

Chad Austin
Attorney at Law
3129 India Street
San Diego, CA 92103

Attorneys for
Plaintiff James M. Kinder

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on March 3, 2008.

By: 
Jennifer Mueller